

Tourism Development District Hill Top House Hotel Regulations

4.14. The rules, regulations, standards, processes, or procedures which the Applicant proposes to be agreed to by and between the Applicant and the Development Office for design, acquisition, construction, installation and equipping, and subsequent operation, of the Project with respect to the following:

The enclosed professional certification letters from the Architect of Record (AOR), Gensler, and Engineer of Record (EOR), GordonDC, provide the WVDO the certainty that this project can be completed as planned under these selected standards and guidelines. Hardcopies of all Reference Manuals cited below have been transmitted to the WVDO upon submittal of this application. List of manuals is on enclosed transmittal.

4.14.1. Building codes (shall not be less restrictive than the building codes of the State of West Virginia):

Several code disciplines (e.g., mechanical, plumbing, electrical, and residential) are combined to form the WV Uniform State Building Code.

1. International Building Code, 2015 Edition
2. International Plumbing Code, 2015 Edition
3. International Mechanical Code, 2015 Edition
4. International Fuel Gas Code, 2015 Edition
5. International Energy Conservation Code, 2015 Edition
6. International Residential Code, 2015 Edition (*as applicable;*)
7. ANSI/ASHRAE/IESNA Standard 90.1-2010 Edition for Commercial Buildings, 2019 Edition (*as applicable; ASHRAE 90.1 is a reference standard, and is only binding insofar as it's invoked by other codes, and those codes may invoke different editions of the standard*)
8. ANSI/ASHRAE/IESNA Standard 90.1-2007 Edition for Commercial Buildings, 2013 Edition (*as applicable; ASHRAE 90.1 is a reference standard, and is only binding insofar as it's invoked by other codes, and those codes may invoke different editions of the standard*)
9. International Existing Building Code, 2015 Edition
10. National Electric Code, 2020 Edition
11. International Property Maintenance Code (*as applicable*)
12. ICC/ANSI A117.1-2009 American Standards for Accessible & Usable Buildings and Facilities, 2017 Edition

13. ADA Standards for Accessible Design, 2010 Edition
14. Elevator Code: ASME A17.1 Safety Code for Elevators and Escalators, 2019 Edition
15. Fire Alarm Code: NFPA 72, 2019 Edition
16. International Fire Code, 2015 Edition
17. West Virginia Department of Transportation Division of Highways
 1. Volume 1: Drainage, Guardrail, Pavement, Fence and Markers, May 2016 Edition
 2. Volume 2: Signing, Signals, Lighting, Markings, and ITS, January 1, 2019 Edition
 3. Typical Sections and Related Details, 2019 Edition
18. West Virginia Division of Highways Construction Manual, 2002 Edition
19. West Virginia Division of Highways 2007 Drainage Manual, 3rd Edition
20. West Virginia Division of Highways Manual on Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way, May 2004 Edition
21. West Virginia Stormwater Management and Design Guidance Manual; West Virginia Department of Environmental Protection, November 2012 Edition
22. Erosion and Sediment Control Best Management Practice Manual; West Virginia Department of Environmental Protection Division of Water and Waste Management, August 29, 2016 Edition
23. Title 47 Legislative Rule Department of Environmental Protection Water Resources, Series 2 Requirements Governing Water Quality Standards
24. State of West Virginia Department of Environmental Protection Division of Water and Waste Management, National Pollutant Discharge Elimination System water Pollution Control Permit, Issued January 10, 2019
25. West Virginia Division of Health Legislative Rules, Title 64, Series 9, Sewer Systems, Sewage Treatment Systems, and Sewage Tank Cleaners, 1998 Edition
26. Title 64 Legislative Rules Bureau for Public Health, Series 47 Sewage Treatment and Collection System Design Standards, July 1, 2003 Edition
27. 2013 FDA Food Code
28. West Virginia Department of Health & Human Resources, Jefferson County Health Department, 1999 Food Code Plan Review References
29. West Virginia Bureau for Public Health 1999 Food Code
 1. SF-7A 6/2000 Food Guide
 2. SF-7B 6/2000 Equipment Guide
 3. SF-7C 6/2000 Management and Personnel Guide

30. 2015 International Swimming Pool and Spa Code

31. WV Code of State Rule 45 CSR 15 – Emission Standards for Hazardous Air Pollutants Pursuant to 40 CFR Part 61.

4.14.2. Land use and permitting;

Land use takes into consideration the non-binding existing HF Comprehensive Plan and the “Statements of Conformity” the Planning Commission has already granted. The Applicant will comply with the Site Development Standards derived from the Jefferson County Zoning and Land Development Ordinance, Jefferson County, West Virginia; Adopted July 7, 1988 and Amended December 17, 2020 and as further defined in the attached Exhibit A – Site Development Standards Table. This land use is of a unique nature since the existing Hill Top House Hotel has existed before and next to a residential neighborhood for 130 years. The residences the Applicant owns within the TDD will be restored to their historic elements and act as a “residential transition buffer” even though they are included in hotel operations.

The permit drawing review process will be conducted and managed by a private Third-Party Plan Reviewer on behalf of the West Virginia State Development Office. The Applicant shall contract directly with the Third-Party Plan Reviewer.

The Applicant shall be exempt from all municipal permit fees.

The permit application submittal process will be conducted and managed by a private Consultant authorized to act as an Agent of the Applicant. The Applicant shall contract directly with the private Consultant.

The Applicant reserves the right to submit an unlimited number of Permit Application Submittal Packages which may include, but will not be limited to, the following:

- a. Site Plan Permit Drawings
- b. Demolition Permit Drawings
- c. Main Hotel (400 East Ridge Street) Footing & Foundation Permit Drawings
- d. Main Hotel (400 East Ridge Street) Building Permit Drawings
- e. Armory Houses Building Permit Drawings:
 - a. Armory House 1: Block E, Lot 1 (400 Washington Street)
 - b. Armory House 2: Block E, Lot 2 (420 Washington Street)
 - c. Armory House 3: Block E, Lot 3 (460 Washington Street)
 - d. Armory House 5: Block E, Lot 5 (480 Washington Street)
- f. Lodge/Annex Building Permit Drawings
- g. Yellow House (500 East Ridge Street) Building Permit Drawings
- h. Red House (500 Washington Street) Building Permit Drawings
- i. Barbershop (490 Washington Street) Building Permit Drawings

The permit review process shall be as follows:

Building Permit:

- a. The Architect of Record and Mechanical, Electrical, Plumbing, Fire Protection, and Structural Engineers of Record selected by Applicant shall develop a complete Building Permit Drawing Submittal, hereafter referred to as 'Building Permit Drawings'. All information required to demonstrate code compliance of the proposed project will be included in this Building Permit Drawing Submittal, included but not limited to Reports, Calculations, Data Sheets, and associated supporting information as deemed necessary by the AHJ and/or Third Party Reviewer.
- b. The Building Permit Drawings will be submitted to a Third-Party Plan Reviewer that shall be licensed in the State of West Virginia. The Third-Party Plan Reviewer shall review the Building Permit Drawings to ensure the Building Permit Drawings comply with the Building Codes identified in Section 4.14.1. The Third Party Plan Reviewer is not considered to be the Authority Having Jurisdiction (AHJ); code interpretations and/or rulings regarding proposed Code Modifications may only be made by State Officials acting as Authorities Having Jurisdiction.
- c. Should the Third-Party Plan Reviewer identify any non-compliances, these shall be identified in a formal plan review record and Architect of Record and Engineers of Record shall address the Third-Party Plan Reviewer's comments and resubmit revised Building Permit Drawings, along with a comment response narrative, to the Third-Party Plan Reviewer for rereview. All comment responses will become part of the formal Plan Review Record.
- d. This process will continue as such until the Third-Party Plan Reviewer is satisfied that the Building Permit Drawings comply with relevant Building Codes identified in Section 4.14.1.
- e. Once satisfied, the Third-Party Plan Reviewer shall issue a signed and sealed Letter of Recommendation and stamped Building Permit Drawings, along with Plan Review Records, to the West Virginia State Development Office (AHJ). Third Party Recommendation for Approval shall be based solely upon compliance with referenced governing codes and standards; all design responsibility shall remain with Registered Design Professionals.
- f. Upon receipt of such Recommendation and once Site Permit has been secured, the West Virginia State Development Office will then have ten (10) business days to issue an approval of the Building Permit Drawings, based on the Recommendation of the Third-Party Plan Reviewer. This approval by the Development Office shall serve as the de-facto Building Permit.
- g. The Building Permit Drawings submitted by the Architect of Record and Engineers of Record and Recommended for Approval by the Third-Party Plan Reviewer shall be inclusive of all Architectural, Mechanical, Electrical, Plumbing, Fire Alarm, Fire Suppression and Structural Drawings sufficient to issue Trade Permits to licensed subcontractors for these disciplines.

Fire Suppression and Fire Alarm Permit:

- h. Following approval of the above referenced Building Permit Drawing applications by the West Virginia State Development Office, Fire Suppression, Fire Alarm, and other Deferred Drawing Submittals as deemed necessary by the AHJ (Authorities Having Jurisdiction) and documented within this agreement shall be submitted separately by the subcontractors to the Third-Party Plan Reviewer. Deferred Submittals shall bear the seal and signature of an Engineer licensed to practice in the State of West Virginia.
- i. Following approval and the issuance of a signed and sealed Letter of Recommendation by the Third-Party Plan Reviewer, the Fire Suppression and Fire Alarm Permit Drawings will be submitted to the Office of the State Fire Marshal (AHJ) for approval and permit issuance.
- a. Upon receipt of such Recommendation the Office of the State Fire Marshal (AHJ) will then have ten (10) business days to issue an approval of the Fire Suppression, Fire Alarm, and other Deferred Drawing Submittals, based on the Recommendation of the Third-Party Plan Reviewer. To supplement the above Letter of Recommendation from Third-Party Plan Reviewer, the Applicant will also submit to the Office of the State Fire Marshal (AHJ) the Office of the State Fire Marshal's "Sprinkler System" and "Fire Alarm System" Request for Review Forms.
- j. Approval by the Office of the State Fire Marshal (AHJ) shall serve as the de-facto Fire Suppression and Fire Alarm Permit.

Elevator Permit:

- k. Following approval of any of the above referenced Building Permit Drawing applications by the West Virginia State Development Office, the Elevator Permit Drawings shall be submitted separately by the subcontractor to the Third-Party Plan Reviewer.
- l. Following approval and the issuance of a signed and sealed Letter of Recommendation by the Third-Party Plan Reviewer, the Elevator Permit Drawings will be submitted to the Office of the State Fire Marshal (AHJ) for approval and permit issuance.
- m. Upon receipt of such Recommendation the Office of the State Fire Marshal (AHJ) will then have ten (10) business days to issue an approval of the Elevator Permit Drawings, based on the Recommendation of the Third-Party Plan Reviewer. This

approval by the Office of the State Fire Marshal (AHJ) shall serve as the de-facto Elevator Permit.

Department of Health Permit:

- b. The Architect of Record and Mechanical, Electrical, Plumbing, and Structural Engineers of Record selected by Applicant shall develop a complete set of Building Permit Drawings and Specifications that shall include complete and coordinated Architectural, Mechanical, Electrical, and Plumbing Drawings showing locations of all commercial grade food service equipment (manufacturer and model) and recreational water facilities.
- c. The Building Permit Drawings will be submitted to a Third-Party Plan Reviewer that shall be licensed in the State of West Virginia. The Third-Party Plan Reviewer shall review the Building Permit Drawings to ensure the Building Permit Drawings comply with the Food and Pool and Spa Codes identified in Section 4.14.1.
- d. Should the Third-Party Plan Reviewer identify any non-compliances, these shall be identified in a formal plan review record and Architect of Record and Engineers of Record shall address the Third-Party Plan Reviewer's comments and resubmit revised Building Permit Drawings, along with a comment response narrative, to the Third-Party Plan Reviewer for rereview. All comment responses will become part of the formal Plan Review Record.
- e. This process will continue as such until the Third-Party Plan Reviewer is satisfied that the Building Permit Drawings comply with the Food and Pool and Spa Codes identified in Section 4.14.1.
- f. Once satisfied, the Third-Party Plan Reviewer shall issue a signed and sealed Letter of Recommendation and stamped Building Permit Drawings, along with Plan Review Records, to the West Virginia Department of Health and Human Resources (AHJ). Third Party Recommendation for Approval shall be based solely upon compliance with referenced governing codes and standards; all design responsibility shall remain with Registered Design Professionals.
- g. To supplement the above Letter of Recommendation from Third-Party Plan Reviewer, the Applicant will also submit to the West Virginia Department of Health and Human Resources the following documents in support of the proposed food establishment:
 - a. Food Operator's Sample Menus
 - b. Food Operator's Standard Operating Procedures
 - c. Food Operator's Food Manager Certification for the "Person in Charge"
- h. Upon receipt of such Recommendation, the West Virginia Department of Health and Human Resources (AHJ) will then have ten (1) business days to issue an approval of the Building Permit Drawings, based on the Recommendation of the Third-Party Plan Reviewer, which shall serve as the de-facto Health Department Permit.

Site Permit:

- a. The Landscape Architect of Record and the Civil Engineer of Record selected by Applicant shall develop a complete set of Site Permit Drawings and shall include Demolition Plans, Site and Utility Plans, Grading Plans, Erosion and Sediment Control Plans, Planting Plans, Fire Lane Plan. shall be reviewed the Third-Party Plan Reviewer.
- b. The Site Permit Drawings will be submitted to a Third-Party Plan Reviewer that shall be licensed in the State of West Virginia. The Third-Party Plan Reviewer shall review the Site Permit Drawings to ensure the Site Permit Drawings comply with the Building Codes identified in Section 4.14.1.
- c. Should the Third-Party Plan Reviewer identify any non-compliances, the Landscape Architect of Record and the Civil Engineer of Record shall address the Third-Party Plan Reviewer's comments and resubmit revised Site Permit Drawings to the Third-Party Plan Reviewer for rereview. This process will continue as such until the Third-Party Plan Reviewer is satisfied that the Site Permit Drawings comply with the Building Codes identified in Section 4.14.1.
- d. Once satisfied, the Third-Party Plan Reviewer shall issue a signed and sealed Letter of Recommendation and stamped Site Permit Drawings to the West Virginia State Development Office.
- e. Upon receipt of such Recommendation, the West Virginia State Development Office will then have ten (10) business days to issue an approval of the Site Permit Drawings, based on the endorsement of the Third-Party Plan Reviewer, which shall serve as the de-facto Site Permit

Demolition Permit:

- a. The Civil Engineer of Record selected by Applicant shall develop a complete set of Demolition Permit Drawings and shall include Demolition and Site Logistics Plans, Erosion and Sediment Control Plans, and Traffic and Pedestrian Plans and shall be reviewed the Third-Party Plan Reviewer.
- b. The Demolition Permit Drawings will be submitted to a Third-Party Plan Reviewer that shall be licensed in the State of West Virginia. The Third-Party Plan Reviewer shall review the Demolition Permit Drawings to ensure the

Demolition Permit Drawings comply with the Building Codes identified in Section 4.14.1.

- c. Should the Third-Party Plan Reviewer identify any non-compliances, the Landscape Architect of Record and the Civil Engineer of Record shall address the Third-Party Plan Reviewer's comments and resubmit revised Demolition Permit Drawings to the Third-Party Plan Reviewer for rereview. This process will continue as such until the Third-Party Plan Reviewer is satisfied that the Demolition Permit Drawings comply with the Building Codes identified in Section 4.14.1.
- d. Once satisfied, the Third-Party Plan Reviewer shall issue a signed and sealed Letter of Recommendation and stamped Demolition Permit Drawings to the West Virginia State Development Office.
- e. Upon receipt of such Recommendation, the West Virginia State Development Office will then have ten (10) business day issue an approval of the Demolition Permit Drawings, based on the endorsement of the Third-Party Plan Reviewer, which shall serve as the de-facto Demolition Permit

4.14.3. Historic preservation and viewshed (shall not be less restrictive than the requirements of the West Virginia State Office of Historic Preservation);

Historic preservation will be guided by requirements of the WV SHPO. A Hill Top House Hotel Historic Resource Plan has been developed and presented to WV SHPO in April 2018 and remains on file.

<http://www.wvculture.org/shpo/techreportguide/guidelines.html>

4.14.4. Demolition permitting (may be equivalent to the standards of the county in which the Project is located);

Demolition requirements will be permitted by the WVDO and follow industry standards for demolition plans similar to the Jefferson County Demolition guidelines.

<http://www.jeffersoncountywv.org/home/showdocument?id=17402>

4.14.5. Noise ordinance;

A 75dba at all TDD boundaries except the western boundary which will comply with 65dba.

4.14.6. Lighting and/or "dark skies" ordinance;

Lighting guidelines will be aligned to the Leadership for Energy and Environmental Design (LEED v4.1) standards for SS Credit 8, Light Pollution Reduction.

See Exhibit B – LEED Light Pollution Reduction, within these standards.

4.14.7. Regulation of alcoholic liquor, nonintoxicating beer or wine for consumption in the Tourism Development District (shall not be less restrictive than the laws and regulations of the State and the West Virginia Alcohol Beverage Control Administration); and

WV ABC guidelines will regulate all alcohol guidelines and permits.

<https://abca.wv.gov/CodeRules/Pages/default.aspx>

4.14.8. Inspection during acquisition, construction, installation and equipping of the Project.

The Applicant shall be exempt from all municipal inspection fees.

Building, Trade, and Special Inspections:

Building, trade, and special inspections required by the State of West Virginia Building Code shall be conducted by Third Party Inspection Agencies, licensed in the State of West Virginia, and will be submitted for record to the West Virginia State Development Office, State of West Virginia’s Fire Marshal’s Office, or West Virginia Department of Health and Human Resources (AHJ).

ACM Inspections:

Prior to demolishing any structures, the Applicant will have the structure inspected for the presence of ACM by a licensed West Virginia asbestos inspector. If ACM is present, the Applicant will have these materials abated by a West Virginia licensed asbestos abatement contractor.

Health Department Pre-Operational Inspections and Permit to Operate:

Thirty (30) calendar days before the date planned for opening the food establishment, the Applicant will submit to the West Virginia Department of Health and Human Resources (AHJ) the following:

- a. SF-5 Application For a Permit to Operate a Food Establishment.
- b. Food Operator’s Sample Menus
- c. Food Operator’s Standard Operating Procedures
- d. Food Operator’s Food Manager Certification for the “Person in Charge”

Thirty (30) calendar days before the date planned for opening the recreational water facility, the Applicant will submit to the West Virginia Department of Health and Human Resources the following:

- e. SG-49 West Virginia Department of Health and Human Resources Application for a Permit to Operate Recreational Water Facility

The West Virginia Department of Health and Human Resources (AHJ) will review the above information for approval. Once this information is reviewed and approved, the West Virginia Department of Health and Human Resources (AHJ) will schedule a pre-operational health inspection to show that the establishment and facility is built in accordance with the approved plans and specifications and the establishment and facility is in compliance with the Food and Pool and Spa Codes identified in Section 4.14.1. When the pre-operational inspection shows that the establishment and facility is in compliance the Food and Pool and Spa Codes identified in Section 4.14.1, the West Virginia Department of Health and Human Resources (AHJ) will then issue a Permit to Operate.

Use and Occupancy Certificate:

Once the West Virginia State Development Office and Office of the State Fire Marshal (AHJs) have received notice that the following conditions have been met:

- a. Third Party Inspection Agencies, responsible for Building, Trade, and Special Inspections required by the State of West Virginia Building Code, shall issue a Letter of Certification to the West Virginia State Development Office (AHJ) certifying that all Building, Trade, and Special Inspection deficiencies have been resolved and final inspections passed.
- b. The Third Party Inspection Agency, responsible for Elevator Inspections required by the State of West Virginia Building Code, shall issue a Letter of Certification to the Office of the State Fire Marshal (AHJ) certifying that all Elevator deficiencies have been resolved and final inspection passed.
- c. The Third Party Inspection Agency, responsible for Fire Suppression and Fire Alarm Inspections required by the State of West Virginia Building Code, shall issue a Letter of Certification to the Office of the State Fire Marshal (AHJ) certifying that all Fire Suppression and Fire Alarm deficiencies have been resolved and final inspection passed.
- d. The West Virginia Department of Health and Human Resources (AHJ) shall issue a Letter of Certification to The West Virginia State Development Office (AHJ) certifying that food establishments and recreational water facilities are built in accordance with the approved plans and specifications and the establishment and facility is in compliance with the Food and Pool and Spa Codes identified in Section 4.14.1
- e. The Third Party Inspection Agency, responsible for Site Inspections, shall issue a letter to the Office of the State Fire Marshal (AHJ) certifying that the Site and Civil Improvements are sufficiently complete to allow the safe use and occupancy of the Building.

The West Virginia State Development Office will then have ten (10) business days to issue a Use and Occupancy Certificate for each Building Permit.

Stocking Certificate:

The Third Part Inspection Agency, responsible for Fire Suppression and Fire Alarm Inspections required by the State of West Virginia Building Code, upon issuing final inspection of these systems shall issue a letter to the Applicant, with copy to West Virginia Department of Health and Human Resources and the Office of the State Fire Marshal (AHJ) authorizing the stocking of furniture, fixtures, and equipment prior to the issuance of the User and Occupancy Certificate.